

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Boaz Shahar et al.)	Examiner: Unknown
)	
Application No.: 09/884,377)	Group Art Unit: Unknown
)	
Filed: June 18, 2001)	Docket No.: SC0355WI
)	
Title: METHOD AND APPARATUS FOR)	
<u>A TRAFFIC SHAPER</u>)	

FAX RECEIVED

Commissioner for Patents
Washington, DC 20231

OCT 26 2001

PETITIONS OFFICE

PETITION TO BE ACCORDED A FILING DATE UNDER 37 C.F.R. § 1.17 (h) AND 1.53 (e)

Dear Commissioner:

The Initial Patent Examination Division has denied according this application a filing date on the grounds that the application was submitted without drawings. A copy of this notice is enclosed. This allegation is incorrect. There was one page of drawings submitted with the specification as evidenced by the U.S.P.T.O. returning a postcard that accompanied the application that listed the items sent to the U.S.P.T.O. A copy of this postcard and the page of drawings are included. The last item listed is that for the drawings. The specific wording for this item is "Formal Drawings (1 pg.)," which makes it unambiguous that drawings were included. The U.S.P.T.O. returned the postcard, giving the application serial number 09/884,377, and confirming receipt of one page of formal drawings. Accordingly, Applicants request according the application the filing date of June 18, 2001, based on the Express Mailing of the application. In light of this, Applicants request refund of the petition fee.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

8/30/01
Date

Elaine Cox
Signature

Elaine Cox
Printed or Typed



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/884,377	06/18/2001	Boaz Shahar	SC0355W1

23125
MOTOROLA INC
AUSTIN INTELLECTUAL PROPERTY
LAW SECTION
7700 WEST PARMER LANE MD: TX32/PL02
AUSTIN, TX 78729

CONFIRMATION NO. 1777

FORMALITIES LETTER

OC000000006438946*

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OCT 26 2001

PETITIONS OFFICE

Date Mailed: 08/17/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is unsigned.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**MOTOROLA****FACSIMILE**

MOTOROLA LAW DEPARTMENT

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Date: 10/26/01

OCT 26 2001

PETITIONS OFFICE

TO

~~Cheryl~~
(ADDRESSEE)~~Boyer~~(703) 308 6916
(FACSIMILE)

(LOCATION)

(TELEPHONE)

FROM:

Jim Clingan
(SENDER)(512)-996-
(TELEPHONE NO.)Parmer Lane, Austin, TX
(Location)(512) 996-8854
(FAX)TOTAL NUMBER OF PAGES 1/ (including this page)

COMMENTS:

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MOTOROLA, INC.
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7700 W. PARMER LANE MD: TX32/PL02
AUSTIN, TEXAS 78729

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PETITIONS OFFICE

PETITION TO BE ACCORDED A FILING DATE
UNDER 35 C.F.R. § 1.17(h) AND 1.53 (e)

DOCKET NO.:
APPLICANT:
SERIAL NO.:
FILED:
MAILED:
ENCLOSURES:

SC0355WI
Boaz Shahar et al.
09/884,377
June 18, 2001
August 30, 2001
Petition (2 pgs. & copy pg. 2), Copy of Notice of
Incomplete Nonprovisional Application (1 pg.),
Formal Drawings (1 pg.), Copy of "New Patent
Application" postcard (1 pg.).

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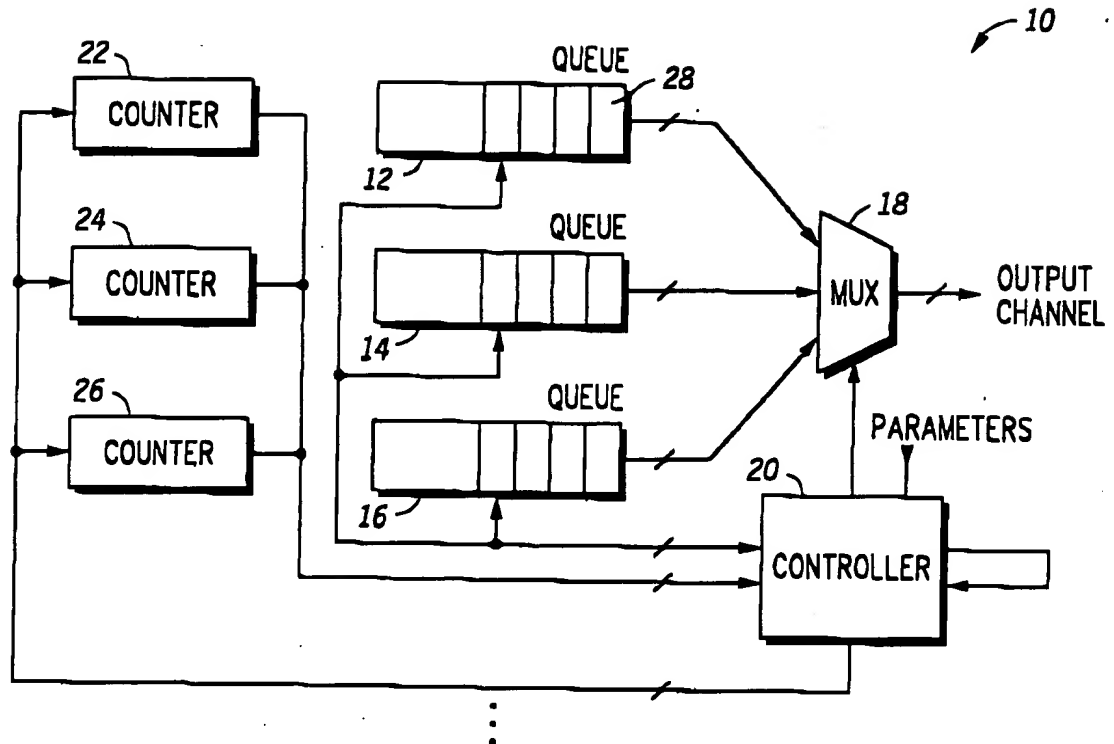


FIG.1

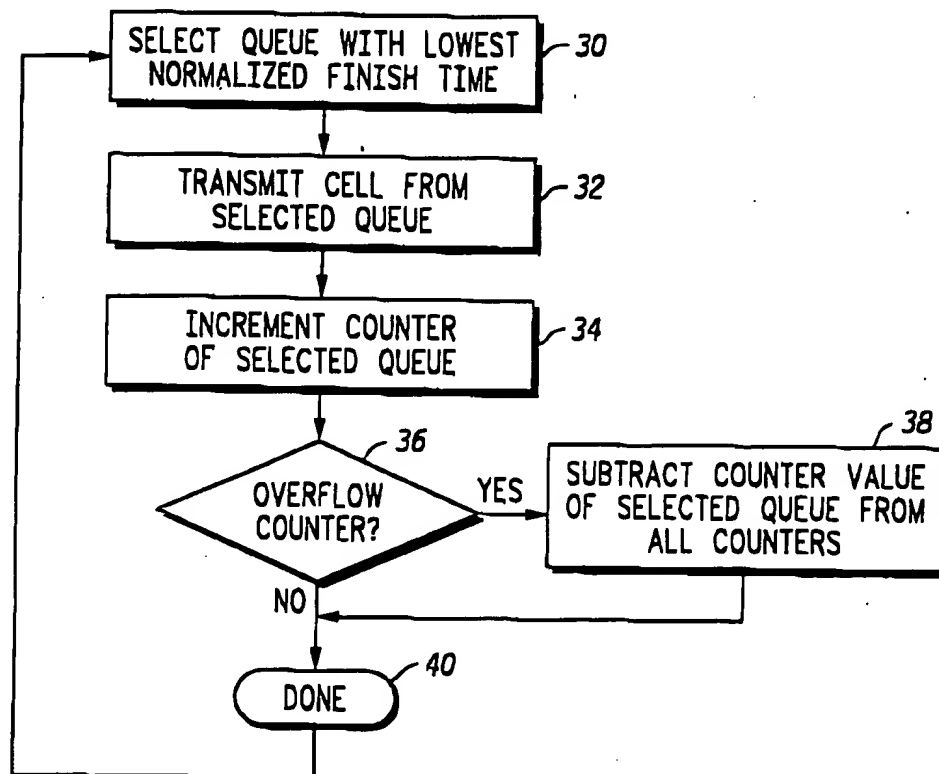


FIG.2

NEW PATENT APPLICATION

DOCKET NO.: SC0355WI
INVENTORS: Boaz Shahar et al.
TITLE: METHOD AND APPARATUS FOR A TRAFFIC
SHAPE
MAILED: June 18, 2001
ENCLOSURES: Application Transmittal Letter (3 pgs. & copy pg. 1),
Application (14 pgs.), Declaration (3 pgs.),
Authorization for Fees (2 pgs. & copy pg. 1),
Formal Drawings (1 pg.),

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EXPRESS MAIL LABEL NO.: EL581728104US

j1046 U.S. PTO

09/884377



06/18/01

Serial No. 09/884377
Filed June 18, 2001

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OCT 26 2001

PETITIONS OFFICE

INFORMATION DISCLOSURE STATEMENT

DOCKET NO.:	SC0355WI
APPLICANT:	Boaz Shahar et al.
SERIAL NO.:	09/884,377
FILED:	June 18, 2001
MAILED:	August 30, 2001
ENCLOSURES:	Information Disclosure Transmittal Letter (2 pgs.), Form PTO-1449 (1 pg.), REF: AR.

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